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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,661	09/16/2005	Kyung-Hee Park	YPL-0173	2189
7590	11/23/2007			
Soonja Bae Cantor Colburn 55 Griffin Road South Bloomfield, CT 06002			EXAMINER GREENE, JAIME M	
			ART UNIT 1634	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,661	Applicant(s) PARK ET AL.	
	Examiner Jaime M. Greene	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, 10, drawn to a polynucleotide.

Group II, claim(s) 7-9, drawn to a method of detecting colorectal cancer.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature is a polynucleotide of at least 10 contiguous nucleotides from one of the sequences of SEQ ID NOs 1-11. This is not a special technical feature because GenBank Reference SNP rs11408214 (GenBank Reference SNP rs11408214m, entry date 11/13/03 URL:

http://www.ncbi.nlm.nih.gov/SNP/snp_ref.cgi?db=human_9606&na=1&gnl=gnl%7CdbSNP%7Cr11408214&RID=KWW71K0401R&QUERY_NUMBER=1) teaches at least 10 contiguous nucleotides of SEQ ID NO: 2 (See alignment below), and therefore was already known in the art at the time of filing.

3. Alignment between SEQ ID NO:2 (Query) and rs11408214 (Sbjct)

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Query 72 GAGTCAGATTGAGTTTGAATCTTAGCTCTNCTTGTATTACTGTGTTATCTTGGCCAAGTA 131
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Art Unit: 1634

Sbjct 61 GAGTCAGATTGAGTTTGAATCTTAGCTCTACTTGTATTACTGTGTTATCTTGGCCAAGTA 120

Further restriction requirement

Additionally, groups I and II named above are subject to further restriction. Applicant is required for group I:

to further elect a specific polymorphism from those listed in claim 9 and a corresponding SEQ ID NO: selected from SEQ ID NOs: 1-11,
and for group II:

to further elect a specific sequence selected from SEQ ID NOs: 1-11.

4. This is NOT an election of species. The nucleotide sequences in groups I and II are structurally and functionally distinct chemical compounds and are unrelated to one another. Further, the sequences do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: at least 10 contiguous nucleotides of SEQ ID NO: 2 comprising a nucleotide at position 101 is already known in the art (see reference to rs11408214 above). Applicant is required, in reply to this action, to elect a single nucleic acid sequence to which the claims shall be restricted and to identify the claims readable on the elected nucleic acid sequence, including any claims subsequently added.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

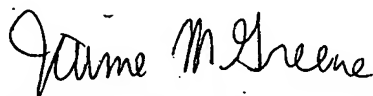
Art Unit: 1634

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Greene whose telephone number is 571-270-3052. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, ALT. Friday, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jaime Meredith Greene 11/16/07



JEAMINE A. GOLDBERG
PRIMARY EXAMINER
11/20/07